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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.2881 OF 2003

Nemai Tarapado Hazra).. Plaintiff

Versus

Pritosh Bhupati Nath).. Defendant

Mr.Niranjan P. Shimpi for the Plaintiff.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 20TH MARCH 2006

P.C.:

. The Plaintiff has filed the present Summary Suit for recovery of the sum of Rs.1,51,000/- with interest @ 24% per annum. The Defendant was directed to deposit Rs.1,00,000/- within a period of two weeks failing which the Plaintiff would be entitled to a decree. Conditional leave was granted to the Defendant on these terms.

2. Mr.Shimpi appearing for the Plaintiff submits that the office of the High Court has issued "Non-deposit Certificate" and he, therefore, prays that in view of the fact that the Defendant has failed to comply with the order of 5th September 2005, the Suit be decreed.

3. The Suit has been filed on the basis of a contract under which the Defendant had agreed to pay an amount of Rs.1,51,000/- to the Plaintiff. It appears that this amount has not been paid by the Defendant.

2. The Plaintiff has filed the list of documents on which he relies along with a list. There is no appearance filed by the Defendant.

3. The documents filed on record by the Plaintiff support the case of the Plaintiff made out in the Plaint. There is no defence to the claim made by the Plaintiff.

4. In view of this, the Suit is decreed as prayed for. However, interest is restricted @ 9% per annum after the date of filing of the Suit.

5. Refund as per Rules.